IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3501 OF 2006
IN
INCOME TAX APPEAL (L) NO.1939 OF 2006

The Commissioner of Income Tax, Mumbai.
..Petitioner.
Vs.
M/s. Deepak Fertilizers and Petrochemicals Corpn. Ltd.
..Respondent.

Mr. P.S. Sahadevan for the Petitioner.

Mr.B.V. Jhaveri for the Respondent.

CORAM : F.I. REBELLO &
R.S. MOHITE, JJ.
DATED : 3RD DECEMBER,2007.

PC :

1. There is a delay of 389 days. There is affidavit in support of Mr. R.K.Jain. The ITAT order was received on 31.5.2005. Approval for filing the appeal was received on 21.9.2005. It is contended that the matter was sent to the Advocate for drafting the appeal memo. The draft of appeal was received on 5.9.2006. The due date for filing the appeal was 27.9.2005. No explanation has been given for the delay between 21.9.2005 to 5.9.2006. In our opinion, cause is not explained. Hence, motion is dismissed.

(F.I. REBELLO, J.)

(R.S. MOHITE, J.)

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1. As the motion is dismissed, appeal is also dismissed. Refund of court fee as per rules. Certified copy expedited.

(F.I. REBELLO, J.)

(R.S. MOHITE, J.)